



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

August 2, 2016

Brad Jackman  
11501 Pioneer Ave.  
Oakdale, CA 95361

**TRANSMITTAL OF CITATION NO. DER-16C-013 FOR TCR MCL FAILURE**

The Pioneer Equine Hospital Water System violated the Maximum Contamination Level (MCL) for total coliform bacteria during the month of July 2016, as specified in the Domestic Water Quality Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-16C-013 in response to this violation. The citation is being transmitted to the Pioneer Equine Hospital Water System under cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$106.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

  
James Sanders EHS  
Environmental Health Specialist

Enclosure (1)

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1 **APPLICABLE AUTHORITIES**

2 **Section 116650 of California Health and Safety Code provides:**

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4 (a) If the Division determines that a public water system is in violation of  
5 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
6 thereunder, the Division may issue a citation to the public water system. The citation  
7 shall be served upon the public water system personally or by certified mail. Service  
8 shall be deemed effective as of the date of personal service or the date of receipt of  
9 the certified mail. If a person to whom a citation is directed refuses to accept delivery  
10 of the certified mail, the date of service shall be deemed to be the date of mailing.

11 (b) Each citation shall be in writing and shall describe the nature of the  
12 violation or violations, including a reference to the statutory provision, standard, order,  
13 citation, permit, or regulation alleged to have been violated.

14 (c) A citation may specify a date for elimination or correction of the  
15 condition constituting the violation.

16 (d) A citation may include the assessment of a penalty as specified in  
17 subdivision (e).

18 (e) The Division may assess a penalty in an amount not to exceed one  
19 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each  
20 day that a violation continues to occur. A separate penalty may be assessed for each  
21 violation.

22  
23 **California Code of Regulations, Title 22, Section 64426.1, subsection (b)**  
24 **provides, in relevant part:**

25  
26 (b) A public water system is in violation of the total coliform Maximum Contaminant  
27 Level ("total coliform MCL") when any of the following occurs:



1 (2) For a public water system which collects fewer than 40 samples per month,  
2 more than one sample collected during any month is total coliform-positive; or

3 (3) Any repeat sample is fecal coliform-positive or E.coli-positive; or

4 (4) Any repeat sample following a fecal coliform-positive or E.coli-positive  
5 routine sample is total coliform-positive.

6  
7 **STATEMENT OF FACTS**

8 Pioneer Equine is operated under Water Supply Permit No. 2013-12-018, which was  
9 issued on December 16, 2013.

10  
11 Pioneer Equine water system is located in Stanislaus County along Valley Home Rd,  
12 approximately 3.8 miles north of the City of Oakdale. Pioneer Equine's service area is  
13 approximately 19.48 acres in size.

14  
15 Pioneer Equine's water system is classified as a Non-Transient Non-Community  
16 water system that serves the employees and patrons of the veterinary hospital.  
17 According to the 2014 Annual Report to the Division, Pioneer Equine serves  
18 approximately 25 people through one service connection. One (1) of the service  
19 connections is metered and zero (0) of the service connections are unmetered. The  
20 water system obtains its water supply from one active well located on Pioneer Equine  
21 property.

22  
23 The well discharges to two storage tanks that total 67,623-gallons, prior to entering  
24 the domestic water system. Irrigation demands are not provided by this well.

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26 With a population of 25, the Pioneer Equine water system is required to have one  
27 sample examined for bacteriological quality every month from its distribution system.

1 The Pioneer Equine's contract laboratory, Far West Laboratories, utilizes the testing  
2 Colilert method for bacteriological analyses.

3  
4 Specifically, on July 26, 2016, the Pioneer Equine water system collected one routine  
5 sample for bacteriological quality from the designated site in the distribution system.  
6 The sample, collected from the North East stable hose bib, tested positive for total  
7 coliform bacteria. The sample was negative for fecal coliform bacteria.

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9 On July 28, 2016, the Pioneer Equine water system collected four repeat samples  
10 (one sample each from the routine coliform positive sample location, the downstream  
11 locations, the upstream locations and the well head). Three of the repeat samples  
12 tested positive for total coliforms and none were fecal coliform positive.

#### 13 14 DETERMINATION

15 The Division has determined that Pioneer Equine failed to comply with the  
16 requirements of Section 64426.1 (b) due to the fact that Pioneer Equine had more  
17 than one sample during the month of July 2016 that was total coliform-positive.  
18 Therefore, Pioneer Equine is in violation of Section 64426.1 (b) of the California Code  
19 of Regulations.

#### 20 21 DIRECTIVES

22 Pioneer Equine is hereby directed to take the following actions:

- 23  
24 1. By August 8, 2016, notify the consumers served by the Pioneer Equine of the  
25 bacteriological quality (Total Coliform Rule) failure in conformance with Section  
26 64464.3(a)(1), Title 22, CCR. The notification shall be provided in accordance  
27 with the following:



1 a. Provide written notice of the bacteriological water quality MCL violation  
2 by mail or by direct hand delivery to every customer and by publication  
3 of notice in a newspaper of general circulation in the area served by the  
4 Pioneer Equine. The notice shall be published and delivered once, no  
5 later than the above mentioned date.

6 This notification shall be given in English. In addition, if the Pioneer  
7 Equine water system serves a large proportion of other non-English  
8 speaking consumers, notices must contain some information in the  
9 appropriate language(s) on the importance of the notice as provided in  
10 the Department's guidance for the Consumer Confidence Report.

11 b. The contents of the notice, including the mandatory language, shall be  
12 approved by the Department prior to publication and delivery.

13 A sample notification form that can be used to satisfy the public  
14 notification requirement has already been provided to Eric Tackett by  
15 email.  
16

17 2. By August 5, 2016, perform an investigation to determine the cause of possible  
18 significant rise in bacterial count in the Pioneer Equine distribution system during  
19 the month of August 2016. A report of the investigation shall also be prepared in  
20 accordance with Section 64426 (b)(2), Title 22, CCR, and submitted to the  
21 Department by the above date. A form that should be used to meet this  
22 requirement also has already been sent to Eric Tackett by email.  
23

24 The Division reserves the right to make such modifications to this Citation as it may  
25 deem necessary to protect public health and safety. Such modifications may be  
26 issued as amendments to this Citation, and shall be deemed effective upon issuance.  
27

1 Nothing in this Citation relieves Pioneer Equine of its obligation to meet the  
2 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
3 standard, or order issued or adopted thereunder.

4  
5 All submittals required by this Citation shall be submitted to the Division at the  
6 following address:

7  
8 James Sanders, EHS  
9 Department of Environmental Resources  
10 3800 Cornucopia Way, Suite C  
11 Modesto, CA 95358  
12

### 13 **PARTIES BOUND**

14 This Citation shall apply to and be binding upon Pioneer Equine, its officers, directors,  
15 shareholders, agents, employees, contractors, successors, and assignees.  
16

### 17 **SEVERABILITY**

18 The Directives of this Citation are severable, and Pioneer Equine shall comply with  
19 each and every provision thereof, notwithstanding the effectiveness of any other  
20 provision.  
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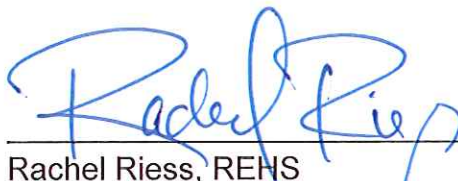
### 22 **FURTHER ENFORCEMENT ACTION**

23 The California SDWA authorizes the Department to: issue citation with assessment of  
24 administrative penalties to a public water system for violation or continued violation of  
25 the requirements of the California SDWA or any permit, regulation, permit or order  
26 issued or adopted thereunder including, but not limited to, failure to correct a violation  
27 identified in a citation or compliance order. The California SDWA also authorizes the  
28 Board to take action to suspend or revoke a permit that has been issued to a public

1 water system if the system has violated applicable law or regulations or has failed to  
2 comply with an order of the Department; and to petition the superior court to take  
3 various enforcement measures against a public water system that has failed to  
4 comply with violates an order of the Department. The Department does not waive any  
5 further enforcement action by issuance of this citation.

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9 8/2/16

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11 Date

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Rachel Riess, REHS  
Senior Environmental Health Specialist  
Division of Environmental Health  
Department of Environmental Resources  
Stanislaus County

16 Attachments:

- 17 1. Public Notification  
18 2. Proof of Notification Form  
19

20 Certified Mail No. 7014 3490 0001 6851 2867